



Law Faculty Bylaws

As Adopted, May 7, 1980, and last amended, February 21, 2007

Preamble

The rules that the Faculty has adopted to regulate the conduct of its business are set forth below. Nothing in these rules should be understood to impinge upon the rights and obligations that individual members of the Faculty may have as employees of Wayne State University, whether those rights and obligations are established by a collective bargaining agreement or by rules and regulations adopted under the authority of the Board of Governors. Nor should these rules be interpreted so as to give powers to the Faculty to take actions that are prohibited under the rules and regulations of the university or to take final actions on matters that are reserved to the Board of Governors.

Rule 1: Robert's Rules

Procedure at Faculty meetings, except as otherwise provided herein, shall be governed by the current edition of Robert's Rules of Order.

Rule 2: Place of Meeting

Meetings of the Faculty shall be held in the Faculty Lounge. The Chair, under special circumstances, may convene a meeting of the Faculty at some other location.

Rule 3: Right to Vote

Faculty members who hold a tenured or tenure-track appointment in the Law School and the dean shall have the right to vote at Faculty meetings, but persons whose appointment has not been approved by a vote of the full Faculty shall not be entitled to vote. Clinical faculty members who are members of the bargaining unit as well as the director of clinical education shall be entitled to participate with vote in meetings of the Faculty except that they shall not be entitled to vote on matters relating to hiring of tenured or tenure-track faculty, tenure, and promotion of tenured or tenure-track faculty or on amendments to provisions of the Faculty Bylaws affecting the right to vote. The director of the legal research and writing

program shall be entitled to participate with vote in meetings of the Faculty except that the director shall not be entitled to vote on matters relating to hiring, tenure, and promotion or on amendments to provisions of the Faculty Bylaws affecting the right to vote.

The right of a person to vote commences at the beginning of the academic year for which the person has been hired and ends at the close of the last semester of employment upon retiring or otherwise permanently leaving the Law School.

Voting in absentia or by proxy is not permitted except for important matters, such as selection of a dean, as determined by a majority vote of those present at a meeting.

Only persons with tenure may vote on granting tenure.

Rule 4: Right to Attend and to Participate in Discussion

In addition to those entitled to vote, all members of the Faculty and administrative staff of the Law School and the five student representatives of the SBG (see Rule 9) are entitled to attend and to participate in discussion at all regular meetings of the Faculty (except those held in Executive Session). Student members of a Law School committee have the right to attend and to participate in the discussion of any report of such committee presented at a meeting of the Faculty (unless the meeting is held in Executive Session).

Under these rules, the administrative staff is limited to deans, the directors of admissions, clinical education, financial aid, the law library, and legal writing, the alumni relations officer, the business manager, the college recorder, and the person designated by the dean to take minutes of the meeting.

Except by vote of the Faculty or invitation of the Chair, no other persons are permitted to participate in discussion at regular meetings of the Faculty. By vote of the faculty, certain meetings of the Faculty may be open to the public, under the procedures set forth in rules 6 and 10.

Rule 5: Right to Make and Second Motions

In addition to those entitled to vote, all members of the Faculty and administrative staff of the Law School and the five student representatives of the SBG (see Rule 9) are entitled to make and second motions at all meetings of the Faculty (except those held in Executive Session). No other persons may make or second motions.

Rule 6: Open Meetings

The Faculty may declare by majority vote that a future meeting of the faculty shall be an open meeting, to be conducted in accordance with Rule 10. Open meetings are expected to be rare and shall be called only if the substance of the meeting is

expected to be of particular importance to the University community. Open meetings are not permitted on matters to be held in Executive Session under Rule 7.

Rule 7: Executive Session

In the absence of special invitation by the Faculty, attendance at Executive Session is restricted to tenured, tenure-track and clinical faculty, to deans, and to the person designated by the dean to take minutes of the meeting.

Any meeting called by the Dean or by the Faculty on personnel matters, including matters directly relating to hiring, promotion, tenure and evaluation of the Faculty and administrative rights and prerogatives granted under the collective bargaining agreement between the University and AAUP, shall be held in Executive Session.

By vote of a majority of the Faculty, the Faculty may meet in Executive Session on any other matter.

No vote may be taken in Executive Session unless notice of the subject matter of the vote has been given to the Faculty at least one day in advance of the meeting. On personnel matters, the notice of the meeting need not name the candidate(s) under consideration.

Nothing in this rule shall prohibit the Faculty from meeting as a Committee of the Whole, in Executive Session or otherwise, for purposes of discussion.

Rule 8: Secret Ballot

Voting on personnel matters shall be by secret ballot in all instances.

At all meetings, voting shall be by secret ballot if requested by one person entitled to vote.

A motion to suspend the rules to dispense with the secret ballot requires unanimous consent. A motion to amend the rule on secret ballot is not in order unless made at a regular meeting of the Faculty after written notice of the motion has been given at the prior regular meeting of the Faculty. Passage of the motion requires a two-thirds vote of the Faculty present and voting.

Except as provided in this Rule, voting shall be open.

Rule 9: Student Representatives

Five students selected under procedures established by the SBG shall be invited to attend all meetings of the Faculty (except those held in Executive Session) as representatives of the student body with rights to participate in discussion and to make and second motions as provided in Rules 4 and 5.

Rule 10: *Special Open Meeting Rules*

Open meetings of the Faculty shall be conducted according to the normal rules of the Faculty, except as amended below. Members of the public shall be permitted to attend a meeting of the Faculty that has been declared to be an open meeting under Rule 6. Members of the public shall be permitted to speak at such a meeting only at the start of the meeting (public comment period) and shall not be entitled to engage in debate once the public comment period has concluded. The Faculty may not conduct business during the public comment period. In its call for an open meeting under Rule 6, the Faculty may adopt, by majority vote, the procedures to be followed during the public comment period, including the time limit for that comment period.

The Chair shall give notice to the public that an open meeting has been scheduled by posting a notice of the meeting, including the proposed agenda, at the Law School and at the central office of the University. Except in extraordinary circumstances, that notice shall be posted at least 10 days in advance of the meeting, or within three business days after the call by the Faculty for the open meeting, whichever date is later. The notice also must conform to the requirements of Rule 11. Persons wishing to speak at an open meeting must notify the Dean's Office prior to the meeting under procedures set forth in the notice of the meeting.

Unless the Faculty has adopted rules of procedure to the contrary, the Chair shall propose, at the beginning of an open meeting, the adoption of a time limit for the public comment period and a schedule for those who have requested to address the meeting. That time schedule normally shall allot equal time to all persons requesting to speak, but the Chair may propose some other allocation method in the interest of economy. Persons allotted time may not yield that time to another. By default, the public comment period shall not exceed 20 minutes. The Chair may propose other procedures for the meeting, including a different time limit, as long as those procedures do not conflict with the bylaws of the Faculty. The Chair's proposal for procedural rules shall be treated as a motion not requiring a second. It shall be voted on by the Faculty and may be amended by the Faculty.

No principal motion or motion to suspend the rules, as defined in Robert's Rules, shall be in order at an open meeting unless written notice of that motion has been provided to the Faculty at least one day prior to the meeting.

Persons permitted to address the meeting are governed by Robert's Rules. In particular, the Chair shall require that speakers confine themselves to the question before the assembly and avoid personalities.

Rule 11: Notice of Meeting

Except in extraordinary circumstances, notice of a meeting of the Faculty shall be given at least one day in advance of the meeting. No vote on matters relating to admissions shall be taken unless notice of the subject matter of the vote has been announced to the Faculty at least one day prior to the meeting. For the special notice requirements for open meetings, see Rule 10.

Rule 12: Polling the Faculty

The Chair is authorized to poll the Faculty, rather than to call a meeting of the Faculty, when the Faculty is not in session. An affirmative decision by polling requires an affirmative vote of those Faculty members eligible to vote. The Chair must make reasonable efforts to contact all Faculty members eligible to vote.

Rule 13: Hiring of Teachers

(a) *Ranked Appointments.* A favorable vote of the Faculty, without substantial opposition, is required for (1) all tenured or tenure-track appointments, (2) all visiting appointments that carry the rank of visiting assistant professor, associate professor, or professor, (3) all clinical appointments that carry the rank of clinical assistant professor, clinical associate professor or clinical professor, and (4) all appointments of members of other faculties of the University to teach as adjuncts courses that are cross-listed as Law School courses. The vote on tenured and tenure-track appointments and appointments of clinical faculty entitled to vote may not be obtained by polling.

(b) *Legal Writing Staff.* A favorable vote of the Faculty, without substantial opposition, is required for all appointments to the position of lecturer on the legal writing staff.

(c) *Part-Time Faculty.* Except as provided in (a), part-time or adjunct faculty appointments may be made pursuant to the five-day rule (Rule 14). If a Faculty meeting is called under the five-day rule to consider an appointment, that appointment shall be made only upon a favorable vote, without substantial opposition, of the Faculty.

(d) *Substantial opposition.* When a candidate for appointment to the Faculty has obtained a favorable vote of the Faculty, the dean shall rule whether or not substantial opposition to the appointment of that candidate exists within the Faculty. In appropriate cases, the dean may delay making the required ruling for a reasonable period in order to allow Faculty members to consult with the dean about the appointment.

Rule 14. Five-Day Rule

When the Personnel Committee has tentatively approved an appointment that is governed by the five-day rule, the dean shall give notice to the Faculty of the intended appointment and shall circulate the candidate's résumé and other relevant documents. If, by 5:00 p.m. of the fifth working day following the day of the notice, four Faculty members entitled to vote on hiring request in writing that the appointment be considered at a meeting, the appointment shall not proceed unless approved by the Faculty.

During the summer recess or any other recess, the dean shall make reasonable, good-faith efforts to give to each Faculty member eligible to vote on hiring timely, actual notice of a proposed appointment governed by the five-day rule.

Rule 15. Bargaining Unit Meetings

The members of the Law School Faculty and staff who are members of the bargaining unit, as defined in article 1 of the collective bargaining agreement between the AAUP/AFT and Wayne State University, shall meet from time to time to exercise certain rights guaranteed to them under that agreement. In particular, they shall meet to elect a salary committee (Article XII), the faculty representatives to a Dean search committee (Article XVIII), a representative to the committee to select members of certain university-wide committees (Article XXX), and a budget advisory committee (Article XXXI). The bargaining unit may also meet to receive and discuss reports from the committees it has elected and otherwise to conduct business relating to the contractual rights under the collective bargaining agreement referred to above.

All members of the bargaining unit who are members of the Law School Faculty or academic staff, including lecturers, clinical faculty, tenure-track faculty, and academic staff assigned to the Law School unit, shall be entitled to participate with vote in meetings of the bargaining unit. Voting by polling or absentee ballot is not permitted. At the start of each academic year, the bargaining unit shall designate a senior faculty member to serve as its chair. The chair shall serve until a successor has been elected and shall be empowered to call and conduct meetings. Deans, administrative staff, students, visiting faculty members, and other persons who are not members of the bargaining unit shall not be entitled to participate in meetings of the bargaining unit. The chair shall designate a member of the body to prepare minutes of the meeting.

Rule 16: Amendment of Bylaws

These bylaws may be amended at any regular meeting of the Faculty by a two-thirds vote, provided that written notice of the amendment was given 14 days in advance of that meeting or was submitted at the previous regular meeting.